

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

RICHARD ESPINOSA,
a/k/a "Ricardo Espinosa,"
a/k/a "Diego Escalera,"
a/k/a "Modesto Colon,"
a/k/a "Pablo Diaz,"
GILBERTO ESPINOSA,
a/k/a "Marcos Trinidad,"
MANUEL ESPINOSA,
RAYMONDO MORALES,
a/k/a "Raymond Morales,"
JOSE COSME,
a/k/a "Slim,"
ADRIAN BERNABE, and
CHRISTIAN BERNABE,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED

SEALED
INDICTMENT

JUN 05 2007

07 Cr. _____

07 CRIM. 501

COUNT 1

(Tampering with Motor Vehicle Identification Numbers)

The Grand Jury charges:

1. From in or about August of 1999 through the date of this Indictment, in the Southern District of New York and elsewhere, RICHARD ESPINOSA, a/k/a "Ricardo Espinosa," a/k/a "Diego Escalera," a/k/a "Modesto Colon," a/k/a "Pablo Diaz," GILBERTO ESPINOSA, a/k/a "Marcos Trinidad," MANUEL ESPINOSA, RAYMONDO MORALES, a/k/a "Raymond Morales," JOSE COSME, a/k/a "Slim," ADRIAN BERNABE, and CHRISTIAN BERNABE, the defendants, together with others known and unknown, unlawfully, willfully and

JUDGE: JAMES H. HARRIS

knowingly did remove, obliterate, tamper with and alter identification numbers for motor vehicles and motor vehicle parts, to wit, RICHARD ESPINOSA, GILBERTO ESPINOSA, MANUEL ESPINOSA, MORALES, COSME, ADRIAN BERNABE and CHRISTIAN BERNABE removed, obliterated, tampered with and altered public Vehicle Identification Number ("VIN") plates - which are the VIN plates located on the dashboards of motor vehicles - and VIN stickers for hundreds of stolen cars so that the public VIN plates and VIN stickers would appear to be for cars that were not stolen, also known as "retagging" motor vehicles.

(Title 18, United States Code, Sections 511 and 2)

COUNT TWO

(Trafficking in Motor Vehicles and Motor Vehicle Parts)

The Grand Jury further charges:

2. From in or about August of 1999 through the date of this Indictment, in the Southern District of New York and elsewhere, RICHARD ESPINOSA, a/k/a "Ricardo Espinosa," a/k/a "Diego Escalera," a/k/a "Modesto Colon," a/k/a "Pablo Diaz," GILBERTO ESPINOSA, a/k/a "Marcos Trinidad," MANUEL ESPINOSA, RAYMONDO MORALES, a/k/a "Raymond Morales," JOSE COSME, a/k/a "Slim," ADRIAN BERNABE, and CHRISTIAN BERNABE, the defendants, together with others known and unknown, unlawfully, willfully and knowingly did buy, receive, possess and obtain control of, with intent to sell and otherwise dispose of, motor vehicles and motor

vehicle parts, knowing that identification numbers for such motor vehicles and motor vehicle parts had been removed, obliterated, tampered with, and altered, to wit, RICHARD ESPINOSA, GILBERTO ESPINOSA, MANUEL ESPINOSA, MORALES, COSME, ADRIAN BERNABE and CHRISTIAN BERNABE sold and otherwise disposed of hundreds of motor vehicles for which the public VIN plates and VIN stickers had been removed, obliterated, tampered with, and altered to match VINs on altered or fraudulently-obtained certificates of title in order to conceal the stolen nature of the vehicles and create the illusion that the stolen motor vehicles were, in fact, motor vehicles to which the defendants or their customers held legitimate title.

(Title 18, United States Code, Sections 2321 and 2)

COUNT THREE

(Transportation of Stolen Vehicles)

The Grand Jury further charges:

3. From in or about August of 1999 through the date of this Indictment, in the Southern District of New York and elsewhere, RICHARD ESPINOSA, a/k/a "Ricardo Espinosa," a/k/a "Diego Escalera," a/k/a "Modesto Colon," a/k/a "Pablo Diaz," GILBERTO ESPINOSA, a/k/a "Marcos Trinidad," MANUEL ESPINOSA, RAYMONDO MORALES, a/k/a "Raymond Morales," JOSE COSME, a/k/a "Slim," ADRIAN BERNABE, and CHRISTIAN BERNABE, the defendants, together with others known and unknown, unlawfully, willfully and

knowingly did transport in interstate commerce motor vehicles, knowing the same to have been stolen, to wit, RICHARD ESPINOSA, GILBERTO ESPINOSA, MANUEL ESPINOSA, MORALES, COSME, ADRIAN BERNABE and CHRISTIAN BERNABE transported in interstate commerce hundreds of stolen motor vehicles for which public VIN plates and VIN stickers had been removed, obliterated, tampered with, and altered to match VINs on altered or fraudulently-obtained certificates of title in order to sell or use those stolen motor vehicles.

(Title 18, United States Code, Sections 2312 and 2)

COUNT FOUR

(Sale and Receipt of Stolen Vehicles)

The Grand Jury further charges:

4. From in or about August of 1999 through the date of this Indictment, in the Southern District of New York and elsewhere, RICHARD ESPINOSA, a/k/a "Ricardo Espinosa," a/k/a "Diego Escalera," a/k/a "Modesto Colon," a/k/a "Pablo Diaz," GILBERTO ESPINOSA, a/k/a "Marcos Trinidad," MANUEL ESPINOSA, RAYMONDO MORALES, a/k/a "Raymond Morales," JOSE COSME, a/k/a "Slim," ADRIAN BERNABE, and CHRISTIAN BERNABE, the defendants, together with others known and unknown, unlawfully, willfully and knowingly did receive, possess, conceal, store, barter, sell and dispose of motor vehicles which had crossed a State and United States boundary after being stolen, knowing the same to have been

stolen, to wit, RICHARD ESPINOSA, GILBERTO ESPINOSA, MANUEL ESPINOSA, MORALES, COSME, ADRIAN BERNABE and CHRISTIAN BERNABE possessed, used and sold hundreds of stolen vehicles that had crossed state boundaries after being stolen, for which public VIN plates and VIN stickers had been removed, obliterated, tampered with, and altered to match VINs on altered or fraudulently-obtained certificates of title.

(Title 18, United States Code, Sections 2313 and 2)

COUNT FIVE

(Mail Fraud)

The Grand Jury further charges:

5. From in or about August of 1999 through the date of this Indictment, in the Southern District of New York and elsewhere, RICHARD ESPINOSA, a/k/a "Ricardo Espinosa," a/k/a "Diego Escalera," a/k/a "Modesto Colon," a/k/a "Pablo Diaz," GILBERTO ESPINOSA, a/k/a "Marcos Trinidad," MANUEL ESPINOSA, RAYMONDO MORALES, a/k/a "Raymond Morales," JOSE COSME, a/k/a "Slim," ADRIAN BERNABE, and CHRISTIAN BERNABE, the defendants, together with others known and unknown, unlawfully, willfully and knowingly did devise a scheme and artifice to defraud, and to obtain money and property, by means of materially false and fraudulent pretenses, representations and promises, and for the purpose of executing such scheme and artifice, and attempting to do so, did place and cause to be placed in post offices and

authorized depositories for mail matter, matters and things to be sent and delivered by the Postal Service, and did deposit and cause to be deposited by private and commercial carriers, and did take and receive therefrom such matters and things, to wit, RICHARD ESPINOSA, GILBERTO ESPINOSA, MANUEL ESPINOSA, MORALES, COSME, ADRIAN BERNABE and CHRISTIAN BERNABE caused the motor vehicle departments of the states of New York, New Jersey, Pennsylvania, Maryland and Georgia to mail them and others, and received in the mail, certificates of title that the defendants planned to alter and certificates of title that were based on fraudulent information, in order to disguise the fact that motor vehicles purportedly corresponding to these altered or fraudulently obtained titles were stolen.

(Title 18, United States Code, Sections 1341 and 2)

COUNT SIX

(Conspiracy to Alter and Remove Motor Vehicle Identification Numbers, to Traffic in Motor Vehicles and Motor Vehicle Parts, to Transport Stolen Vehicles and to Sell and Receive Stolen Vehicles)

The Grand Jury further charges:

6. From in or about August of 1999 through the date of this Indictment, in the Southern District of New York and elsewhere, RICHARD ESPINOSA, a/k/a "Ricardo Espinosa," a/k/a "Diego Escalera," a/k/a "Modesto Colon," a/k/a "Pablo Diaz,"

GILBERTO ESPINOSA, a/k/a "Marcos Trinidad," MANUEL ESPINOSA, RAYMONDO MORALES, a/k/a "Raymond Morales," JOSE COSME, a/k/a "Slim," ADRIAN BERNABE, and CHRISTIAN BERNABE, the defendants, together with others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit offenses against the United States, to wit, to violate Sections 511, 2321, 2312 and 2313 of Title 18 of the United States Code.

7. It was a part and an object of the conspiracy that RICHARD ESPINOSA, a/k/a "Ricardo Espinosa," a/k/a "Diego Escalera," a/k/a "Modesto Colon," a/k/a "Pablo Diaz," GILBERTO ESPINOSA, a/k/a "Marcos Trinidad," MANUEL ESPINOSA, RAYMONDO MORALES, a/k/a "Raymond Morales," JOSE COSME, a/k/a "Slim," ADRIAN BERNABE, and CHRISTIAN BERNABE, the defendants, together with others known and unknown, unlawfully, willfully and knowingly would and did remove, obliterate, tamper with and alter identification numbers for motor vehicles and motor vehicle parts, in violation of Title 18, United States Code, Section 511.

8. It was a further part and an object of the conspiracy that RICHARD ESPINOSA, a/k/a "Ricardo Espinosa," a/k/a "Diego Escalera," a/k/a "Modesto Colon," a/k/a "Pablo Diaz," GILBERTO ESPINOSA, a/k/a "Marcos Trinidad," MANUEL ESPINOSA, RAYMONDO MORALES, a/k/a "Raymond Morales," JOSE COSME, a/k/a "Slim," ADRIAN BERNABE, and CHRISTIAN BERNABE, the defendants, together

with others known and unknown, unlawfully, willfully and knowingly would and did buy, receive, possess and obtain control of, with intent to sell and otherwise dispose of, motor vehicles and motor vehicle parts, knowing that identification numbers for such motor vehicles and motor vehicle parts had been removed, obliterated, tampered with, and altered, in violation of Title 18, United States Code, Section 2321.

9. It was a further part and an object of the conspiracy that RICHARD ESPINOSA, a/k/a "Ricardo Espinosa," a/k/a "Diego Escalera," a/k/a "Modesto Colon," a/k/a "Pablo Diaz," GILBERTO ESPINOSA, a/k/a "Marcos Trinidad," MANUEL ESPINOSA, RAYMONDO MORALES, a/k/a "Raymond Morales," JOSE COSME, a/k/a "Slim," ADRIAN BERNABE, and CHRISTIAN BERNABE, the defendants, together with others known and unknown, unlawfully, willfully and knowingly would and did transport in interstate commerce motor vehicles, knowing the same to have been stolen, in violation of Title 18, United States Code, Section 2312.

10. It was a further part and an object of the conspiracy that RICHARD ESPINOSA, a/k/a "Ricardo Espinosa," a/k/a "Diego Escalera," a/k/a "Modesto Colon," a/k/a "Pablo Diaz," GILBERTO ESPINOSA, a/k/a "Marcos Trinidad," MANUEL ESPINOSA, RAYMONDO MORALES, a/k/a "Raymond Morales," JOSE COSME, a/k/a "Slim," ADRIAN BERNABE, and CHRISTIAN BERNABE, the defendants, together with others known and unknown, unlawfully, willfully and

knowingly would and did receive, possess, conceal, store, barter, sell and dispose of motor vehicles which had crossed a State and United States boundary after being stolen, knowing the same to have been stolen, in violation of Title 18, United States Code, Section 2313.

11. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. In or about March of 2001, RICHARD ESPINOSA, a/k/a "Ricardo Espinosa," a/k/a "Diego Escalera," a/k/a "Modesto Colon," a/k/a "Pablo Diaz," the defendant, delivered a stolen, retagged 2000 Dodge Caravan with a true VIN of 1B4GP44R0YB740526 to an individual in New York County in a sale transaction. The public VIN plate had been replaced with one identifying a VIN of 2B4GP24R1VR269763. The motor vehicle had been reported stolen in Westchester County.

b. In or about April of 2005, JOSE COSME, a/k/a "Slim," the defendant, delivered a stolen, retagged 2002 Dodge Ram with a true VIN of 3B7KF23652M273129 to an individual in Westchester County in a sale transaction. The public VIN plate had been replaced with one identifying a VIN of 1B7HC16XXSS344124. The motor vehicle had been reported stolen in New Jersey.

c. On or about January 31, 2005, GILBERTO ESPINOSA, a/k/a "Marcos Trinidad," the defendant, submitted an altered New Jersey certificate title, purportedly for a 1995 Dodge Ram with a VIN of 1B7HC16XXSS344124, to the Pennsylvania Department of Transportation or its agent, seeking a new certificate of title to be mailed to GILBERTO ESPINOSA.

d. On or about February 12, 2003, RAYMONDO MORALES, a/k/a "Raymond Morales," the defendant, submitted an altered New Jersey certificate of title, purportedly for a 1997 Dodge Neon with a VIN of 1B3ES27C4VD131798, to the Maryland Motor Vehicle Administration, seeking a new certificate of title to be mailed to MORALES.

e. On or about March 1, 2006, CHRISTIAN BERNABE, the defendant, submitted an altered New York certificate of title, purportedly for a 2003 Dodge Caravan with a VIN of 1D4GP253338284955, to the Georgia Motor Vehicle Division, seeking a new certificate of title to be mailed to CHRISTIAN BERNABE.

f. In or about August of 2006, MORALES delivered a stolen, retagged 2003 Dodge Caravan with a true VIN of 1D4GP253X3B206575 to an individual in Bronx County in a sale transaction. The public VIN plate had been replaced with one identifying a VIN of 1D4GP253338284955. The motor vehicle had been reported stolen in Westchester County.

g. On or about April 25, 2006, ADRIAN BERNABE submitted an altered California certificate of title, purportedly for a 2004 Ford Econoline Van with a VIN of 1FTSE34L34HB05364, to the Georgia Motor Vehicle Division, seeking a new certificate of title to be mailed to ADRIAN BERNABE.

(Title 18, United States Code, Section 371)

COUNT SEVEN

(Conspiracy to Commit Mail Fraud)

The Grand Jury further charges:

12. From on or about August of 1999 through the date of this Indictment, in the Southern District of New York and elsewhere, RICHARD ESPINOSA, a/k/a "Ricardo Espinosa," a/k/a "Diego Escalera," a/k/a "Modesto Colon," a/k/a "Pablo Diaz," GILBERTO ESPINOSA, a/k/a "Marcos Trinidad," MANUEL ESPINOSA, RAYMONDO MORALES, a/k/a "Raymond Morales," JOSE COSME, a/k/a "Slim," ADRIAN BERNABE, and CHRISTIAN BERNABE, the defendants, together with others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, to violate Title 18, United States Code, Section 1341.

13. It was a part and an object of the conspiracy that RICHARD ESPINOSA, a/k/a "Ricardo Espinosa," a/k/a "Diego Escalera," a/k/a "Modesto Colon," a/k/a "Pablo Diaz," GILBERTO

ESPINOSA, a/k/a "Marcos Trinidad," MANUEL ESPINOSA, RAYMONDO MORALES, a/k/a "Raymond Morales," JOSE COSME, a/k/a "Slim," ADRIAN BERNABE, and CHRISTIAN BERNABE, the defendants, together with others known and unknown, unlawfully, willfully and knowingly would and did devise a scheme and artifice to defraud, and to obtain money and property, by means of materially false and fraudulent pretenses, representations and promises, and for the purpose of executing such scheme and artifice, and attempting to do so, did place and cause to be placed in post offices and authorized depositories for mail matter, matters and things to be sent and delivered by the Postal Service, and did deposit and cause to be deposited by private and commercial carriers, and did take and receive therefrom such matters and things, in violation of Title 18, United States Code, Section 1341.

14. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. In or about March of 2001, RICHARD ESPINOSA, a/k/a "Ricardo Espinosa," a/k/a "Diego Escalera," a/k/a "Modesto Colon," a/k/a "Pablo Diaz," the defendant, delivered a stolen, retagged 2000 Dodge Caravan with a true VIN of 1B4GP44R0YB740526 to an individual in New York County in a sale transaction. The public VIN plate had been replaced with one identifying a VIN of

2B4GP24R1VR269763. The motor vehicle had been reported stolen in Westchester County.

b. In or about April of 2005, JOSE COSME, a/k/a "Slim," the defendant, delivered a stolen, retagged 2002 Dodge Ram with a true VIN of 3B7KF23652M273129 to an individual in Westchester County in a sale transaction. The public VIN plate had been replaced with one identifying a VIN of 1B7HC16XXSS344124. The motor vehicle had been reported stolen in New Jersey.

c. On or about January 31, 2005, GILBERTO ESPINOSA, a/k/a "Marcos Trinidad," the defendant, submitted an altered New Jersey certificate title, purportedly for a 1995 Dodge Ram with a VIN of 1B7HC16XXSS344124, to the Pennsylvania Department of Transportation or its agent, seeking a new certificate of title to be mailed to GILBERTO ESPINOSA.

d. On or about February 12, 2003, RAYMONDO MORALES, a/k/a "Raymond Morales," the defendant, submitted an altered New Jersey certificate of title, purportedly for a 1997 Dodge Neon with a VIN of 1B3ES27C4VD131798, to the Maryland Motor Vehicle Administration, seeking a new certificate of title to be mailed to MORALES.

e. On or about March 1, 2006, CHRISTIAN BERNABE, the defendant, submitted an altered New York certificate of title, purportedly for a 2003 Dodge Caravan with a VIN of

1D4GP253338284955, to the Georgia Motor Vehicle Division, seeking a new certificate of title to be mailed to CHRISTIAN BERNABE.

f. In or about August of 2006, MORALES delivered a stolen, retagged 2003 Dodge Caravan with a true VIN of 1D4GP253X3B206575 to an individual in Bronx County in a sale transaction. The public VIN plate had been replaced with one identifying a VIN of 1D4GP253338284955. The motor vehicle had been reported stolen in Westchester County.

g. On or about April 25, 2006, ADRIAN BERNABE submitted an altered California certificate of title, purportedly for a 2004 Ford Econoline Van with a VIN of 1FTSE34L34HB05364, to the Georgia Motor Vehicle Division, seeking a new certificate of title to be mailed to ADRIAN BERNABE.

(Title 18, United States Code, Section 1349)

FORFEITURE ALLEGATION

15. As the result of committing one or more of the motor vehicle offenses in violation of Title 18, United States Code, Sections 371, 511, 2312, and 2313, as alleged in Counts One, Three, Four and Six of this Indictment, RICHARD ESPINOSA, a/k/a "Ricardo Espinosa," a/k/a "Diego Escalera," a/k/a "Modesto Colon," a/k/a "Pablo Diaz," GILBERTO ESPINOSA, a/k/a "Marcos Trinidad," MANUEL ESPINOSA, RAYMONDO MORALES, a/k/a "Raymond Morales," JOSE COSME, a/k/a "Slim," ADRIAN BERNABE, and CHRISTIAN BERNABE, the defendants, shall forfeit to the United States,

pursuant to Title 18, United States Code, Section 982(a)(5), all property, real and personal, that represents or is traceable to the gross proceeds obtained, directly and indirectly, as a result of the motor vehicle offenses.

16. As the result of committing the motor vehicle trafficking offenses in violation of Title 18, United States Code, Sections 371 and 2321, as alleged in Counts Two and Six of this Indictment, RICHARD ESPINOSA, a/k/a "Ricardo Espinosa," a/k/a "Diego Escalera," a/k/a "Modesto Colon," a/k/a "Pablo Diaz," GILBERTO ESPINOSA, a/k/a "Marcos Trinidad," MANUEL ESPINOSA, RAYMONDO MORALES, a/k/a "Raymond Morales," JOSE COSME, a/k/a "Slim," ADRIAN BERNABE, and CHRISTIAN BERNABE, the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the motor vehicle trafficking offenses.

17. As the result of committing the mail fraud offenses in violation of Title 18, United States Code, Sections 1341 and 1349, as alleged in Counts Five and Seven of this Indictment, RICHARD ESPINOSA, a/k/a "Ricardo Espinosa," a/k/a "Diego Escalera," a/k/a "Modesto Colon," a/k/a "Pablo Diaz," GILBERTO ESPINOSA, a/k/a "Marcos Trinidad," MANUEL ESPINOSA, RAYMONDO MORALES, a/k/a "Raymond Morales," JOSE COSME, a/k/a "Slim,"

ADRIAN BERNABE, and CHRISTIAN BERNABE, the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses.

Substitute Asset Provision

18. If any of the above-described forfeitable property, as a result of any act or omission of the defendant(s):

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant(s) up to the value of the above forfeitable property.

(Title 18, United States Code, Sections 981(a)(1)(C) and 982(a)(5); Title 28, United States Code, Section 2461; Title 21, United States Code, Section 853(p).)



FOREPERSON



MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

RICHARD ESPINOSA, a/k/a "Ricardo
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"Modesto Colon," a/k/a "Pablo Diaz,"
GILBERTO ESPINOSA, a/k/a "Marcos
Trinidad," MANUEL ESPINOSA, RAYMONDO
MORALES, a/k/a "Raymond Morales," JOSE
COSME, a/k/a "Slim," ADRIAN BERNABE, and
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Defendants.

INDICTMENT

07 Cr.

(18 U.S.C. §§ 2, 371, 511, 1341,
1349, 2312, 2313, 2321)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL

For person

6/5/07 P/D Tal May 2006 Volage